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SB 2527

RELATING TO ENDANGERED SPECIES

Senate Committee on Ecology and Environmental Protection, and Senate Committee on Health

**Joint Public Hearing - February 23, 1996
1:15 P.M., Room 212, State Capitol**

By

John T. Harrison, Environmental Center

Melissa Dumaran, Environmental Center

Casey Jarman, School of Law

Charles Lamoureux, Lyon Arboretum

Cliff Smith, Botany

SB 2527 would require the DLNR to adopt rules authorizing the sale of selected endangered plant species by any person who certifies that the plant was grown from nursery stock and was not collected from the wild.

Our statement on this measure was compiled from voluntarily submitted opinions of the listed academic reviewers and as such does not constitute an institutional position of the University of Hawaii.

It is our understanding that various botanical gardens in the state have suggested changes to regulatory provisions regarding threatened and endangered plants in order to provide for legal "possession" of endangered plants for individual cultivation. Existing rules allow individual cultivation only when a license is issued, and the concern is that such licences are granted only infrequently, and only for scientific study and for reintroduction in the wild. Lyon Arboretum has lots of individual plants of endangered species dying in greenhouses. Some of these species are easy to grow and could be grown by home gardeners. It is our further understanding that draft rule amendments are

under consideration, and that the purpose of this measure is to lend encouragement to the finalization of this rule amendment process.

There is no question but that a permitting system for propagation has the potential to assist in the recovery of species. For this reason, there is strong support for this measure among our reviewers. However, there also are some concerns that commercial activities involving endangered species are bound to promote poaching and collecting from the wild, especially with regard to valuable hardwoods like 'uhi'uhi. In addition, there is no way to assure that outplanting won't occur, thereby introducing the risk of disease from cultivation, or mixing gene pools of these small populations for whom any genetic "tampering" could have serious effects.

A number of issues remain unresolved, and need to be addressed in the rulemaking process. For instance, if permits for endangered plant cultivation were broadened, how would licenses be issued? Would certificates be issued by suppliers establishing the number of plants and date of purchase? Enforcing the terms of such a permit to assure that no plants would be collected from the wild would be difficult and expensive, if not impossible.

In order to provide explicit definition of the intent of these proposed amendments, we suggest amending Page 4, Lines 19-20 as follows:

... authorizing the propagation, possession, ownership, and sale, *for purposes of conserving the species*, of selected endangered ...